

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN P. JOHNSON,  
Plaintiff,  
v.  
PORTFOLIO RECOVERY  
ASSOCIATES, LLC,  
Defendant.

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5:15-CV-024 RP

**ORDER**

Before the Court is Plaintiff's Motion to Dismiss TCPA Claims Against Defendant Portfolio Recovery, LLC, filed October 5, 2014 (Dkt. 43). By way of the motion, Plaintiff moves the Court to dismiss the Telephone Consumer Protection Act ("TCPA") claims (Counts XIII and XIV) from his amended complaint.

Under the Local Rules, a response to a dispositive motion shall be filed no later than fourteen days after the filing of the motion. Local Rule CV-7(e)(2). More than fourteen days have passed since the filing of the motion and Defendant has yet to file a response. However, Defendant did file a Motion to Reconsider Order on Plaintiff's Amended Motion to Compel (Dkt. 45). In that motion, Defendant asked the United State Magistrate Judge to reconsider his discovery order in light of the fact that "Plaintiff has abandoned his TCPA claims." (Def.'s Mot. Recons. Order 3, Dkt. 45). Accordingly, the Court understands Plaintiff's Motion to Dismiss TCPA Claims to be unopposed.

The Court believes it is appropriate to allow Plaintiff to voluntarily dismiss the TCPA claims. However, the Court admonishes Plaintiff that in light of the scheduling order in effect in this case, no further amendments to the pleadings will be allowed.

Plaintiff's Motion to Dismiss TCPA Claims Against Defendant Portfolio Recovery, LLC, filed October 5, 2014 (Dkt. 43), is hereby **GRANTED**. Plaintiff is directed to file an amended complaint, reflecting the dismissal of the TCPA claims, on or before October 30, 2015.

**SIGNED** on October 27, 2015.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE